

Supported by a grant from Norway through the Norwegian Financial Mechanism 2014-2021, in the frame of the Programme „Business Development and Innovation Croatia”.

11

INVITATION TO TENDER

OFFICIAL DOCUMENTATION ON PROCUREMENT

Subject of procurement: Resin treatment line for marble slabs

Type of procurement process: Open procurement process

1. General data:

Informations on Contracting authority

KAMEN d.d., Trg Slobode 2, Pazin, Republic of Croatia

OIB 05937912798, MBS 040120966

Phone number: + 385 (0)52/624-242

Fax number: + 385 (0)52/624-441

website: www.kamen.hr

e-mail: info@kamen.hr

Departments and persons for informations:

Department: Procurement department

Person: Marin Livak

E-mail address: marin.livak@kamen.hr

Phone number: +385 (0)99 4970 976

Communication between the Contracting authority and participating bidders and sharing data shall be based exclusively on the e-mail communication services.

Each communication between the Contracting authority and participating bidders shall be exclusively in english language (only offers with their attachments may be submitted in english or croatian language; documents that are made in language other than english or croatian must be translated on english or croatian language using official translation by the person who is authorized for such translation).

Contracting authority is entitled to request from the bidders to deliver the original document or verified copy by post delivery if Contracting authority wants to make an additional control.

Contracting authority is authorized to request from participating bidders to supplement the documents they have submitted or to explain submitted documents.

During the deadline for submission of the offers participating bidders may request explanations considering the content of documentation of procurement.

Contracting authority is obligated to answer on requests for additional clearance and informations relating the documentation of procurement and the answers shall be published on the website www.kamen.hr

Contracting authority shall publish without delay the answer on any request submitted in timely manner and request itself without stating who was the requester, but at the latest on the third day before the expiration date for offer submission.

Request shall be considered to be submitted in timely manner if the request has been submitted at the latest on the sixth day before the expiration date for offer submission.

2. Evidential number of procurement: 483/21.

3. Conflict of interests:

Conflict of interests between Contracting authority and legal entity exists when representatives of Contracting authority or representatives of procurement service provider that acts in the name of Contracting authority, that are

included in the procurement procedure or they can influence on procurement procedure result, have, direct or indirect, financial, economic, or any other personal interest that might be damaging for their impartiality or independence within the frame of procedure, especially if:

a) representative of the Contracting authority simultaneously executes managing jobs at legal entity, or

b) representative of Contracting authority is owner of business share, stock, other rights based on which he participates in managing, that is in capital of that particular legal entity with more than 0,5 %.

Representative of Contracting authority is considered to be:

a) leader and member of administrative, managing and supervisory body of Contracting authority,

b) member of Commission for procurement,

c) other person that is involved in process of procurement or may influence on decision making by Contracting authority in procurement process,

d) persons from a), b) or c) that are acting as procurement service provider in the name of Contracting authority;

For the purpose of definition of conflict of interest legal entity is consider to be the bidder.

Definition of conflict of interests has appropriate application to blood relatives in right line or sidelong line until fourth degree, in-law relatives up to second degree, marital and extramarital partner, no matter whether the marriage is over or not, adopter and adoptees (further: linked persons) of representatives of Contracting authority from article 76. paragraph 2. subparagraph 1. of Act of public procurement (People's Newspaper of Republic of Croatia No. 120/16, hereinafter: Act of procurement).

Exceptionally, there is no conflict of interest if linked person of representative of Contracting authority has acquired business shares, stocks, and other rights based on which she participate in managing, that is in capital of legal entity with more than 0,5 %, in period of at least 2 (two) years before appointment of representative of Contracting authority with whom is she linked to.

Transfer of ownership on the other person or special body (commissioner) according to the special provisions on preventing of conflict of interest does not effect on conflict of interest in the sense of article 76. of Act of procurement.

In case of existence of conflict of interests contract of procurement would be legally invalid.

Based on the Articles 75.-83. of Act of procurement Contracting authority is not allowed to conclude contract on procurement because of existence of conflict of interests with the legal entities as follows:

a) ISTRA-MARMI d.o.o., Lakota 2, Pazin, Republic of Croatia, OIB 32087009809

b) KAMEN PRODUKT d.o.o., Trg Slobode 2, Pazin, Republic of Croatia, OIB 77585581674

c) MORAVAMERMER a.d., Savski venac, Beograd - u stečaju (in bankruptcy), Republic of Serbia, MB: 07016638

d) ECONOMY d.o.o., Lindar 5b, Pazin, Republic of Croatia, OIB 56788189835

4. Type of procurement process: Open procurement process

5. Estimated value of procurement:

Estimated value of the subject of procurement is 761.800,00 (EUR), excluding added value tax, and including all options and renewals of contract of procurement.

6. Type of contract:

Contract of procurement of goods.

7. Electronical auction shall not be executed and dynamic procurement system is not established.

8. Trade customs shall not apply.

9. Informations on subject of procurement:

a) Description: Resin treatment line for marble slabs.

CPV- 42641100-2 Machine tools for working stone

CPV- 45350000-5 Mechanical installations

CPV- 45351000-2 Mechanical engineering installation works

Detail description of subject of procurement is in the Cost schedule that is integral part of this Documentation on procurement (hereinafter: DOP).

b) Subject of the procurement is not divided into groups due to the fact that all elements of such production line must represent homogeneous production process on exceptionally high level, and such process may be only realized

through high interoperability between all production's line elements which results in most efficient time cycle of product's processing.

c) The quantity of subject of procurement is determined in the form of productional sets that are textually described in the Cost schedule with essential technical specifications. One set determined as one particular article in the Cost schedule must consist of all elements that are described in particular article in the Cost schedule, while the quantity of those elements prescribed in one set may vary depending on the technical solution that offers particular bidder in his detailed technical scheme. Such set of the product must represent and be a functional productional unit. Participating bidders must offer all parts of subject of procurement. Offer that consist only of some parts of subject of procurement shall not be valid.

d) Technical specification of the subject:

Technical specifications and quality of the subject are prescribed in the Cost schedule as a minimal standard that must be satisfied (except of the particular articles of Cost schedule that are in the schedule itself determined as maximum parameter).

d-1) Catalogue, excerpt from catalogue or prospectus

Technical specifications must be proven by manufacturer's specifications documentation - catalogue, excerpt from catalogue or prospectus and by detailed technical scheme of the product. From such documentation there must be clearly understandable that the technical specification from DOP is satisfied. In the Cost schedule there must be indication with numbers based on which indication it shall be understandable on which part of the catalogue, excerpt from catalogue or prospectus and detailed technical scheme is addressed such technical specification. Such indication with numbers must exist also in the catalogue, excerpt from catalogue or prospectus and detailed technical scheme.

Offered products must satisfy all specifications prescribed in Cost schedule.

10. Cost schedule:

Cost schedule is independent document, published as integral part of DOP, in the format of Excel document. (Attachment No 1.)

Participating bidders are obligated to deliver the Cost schedule in the PDF format as integral part of the formal offer.

Cost schedule must be fulfilled with number indication, quantity of the product (productional set), price per unit, total price of part of the product considering the sum of quantity of that unit, total sum price of complete product without added value tax.

The official text of the Cost schedule with all specifications is unchangeable. If official offer does not comply with the prescribed specifications from the Cost schedule or if the price in the offer is higher than the estimated value of procurement, such offer shall be considered as legally non valid for Contracting authority and shall be rejected.

11. Place of performance of procurement:

KAMEN d.d., Production facility „Pilana”, address: Lakota 4, 52000 Pazin, Republic of Croatia.

12. LEGAL BASIS FOR EXCLUSION OF BIDDERS FROM PROCUREMENT:

A) LEGAL BASIS FOR EXCLUSION:

Based on the article 251. of the Act of procurement Contracting authority is obligated to exclude from procurement process participating bidders:

1) that are having registered seat in the Republic of Croatia or if the person that is a member of board of management or supervisory board or has the authority to represent, decision making or supervisory of the bidder, and that is a citizen of Republic of Croatia, and is convicted with final verdict for :

a) participating in criminal organization based on:

article 328. (criminal association) and article 329. (execution of criminal act as a member of criminal association) of Criminal Act,

article 333. (associating for committing criminal acts) of Criminal Act (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

b) corruption based on:

article 252. (receiving the bribe in economic business), article 253. (giving the bribe in economic business), article 254. (misuse in public procurement), article 291. (misuse of authority and power), article 292. (unlawful favoritism), article 293. (accepting of the bribe), article 294. (giving the bribe), article 295. (trade with influence), article 296. (giving the bribe for trading with influence) of Criminal Act

article 294.a (accepting the bribe in economic business), article 294.b. (giving the bribe in economic business), article 337. (misuse of authority and power), article 338. (misuse of state authority position), article 343. (unlawful mediation), article 347. (accepting the bribe), article 348. (giving the bribe) of Criminal Act (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

c) fraud based on:

article 236. (fraud), article 247. (fraud in economic bussines), article 256. (tax or custom evasion), article 258. (subventional fraud) of Criminal Act

article 224. (fraud), article 293. (fraud in economic business), article 286. (tax and other formal givings fraud) of Criminal Act (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

d) terrorism or criminal acts linked with teroristic activities based on:

article 97. (terorism), article 99. (public encouragement on terorism), article 100. (recruiting for terorism), article 101. (training for terorism), article 102.(teroristic association) of Criminal Act

article 169. (terorism), article 169.a (public encouragement on terorism), article 169.b (recruiting and training for terorism) of Criminal Act (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

e) money laundering or financing of terorism based on:

article 98. (financing of terorism), article 265. (money laundering) of Criminal Act

article 279. (money laundering) of Criminal Act (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

f) kids labor or other forms of human trading based on:

article 106. (human trading) of Criminal Act

article 175. (human trading and slavery) of Criminal Act (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

2) that does not have registered seat in Republic of Croatia or person that is a member of board of managment, supervisory board or has the authority to represent, decision making or supervisory of the bidder and that is not a citizen of Republic of Croatia and is convicted with final verdict for criminal acts from article 12. A) paragraph 1. subparagraph a) to f) of DOP, and for adequate criminal acts that, according to nacional acts of state of registered seat of participating bidder, or the state of person's citizenship, include reasons for exclusion from article 57. paragraph 1. subpragraph a) to f) of Directive 2014/24/EU.

Contracting authority is obligated to exclude participating bidder from the procurement process if he determines the existence of reason for exclusion from article 12. A) paragraph 1) or 2).

Contracting authority must accept as a proof that the legal basis for exclusion from procurement process as prescribed in article 12. A) paragraph 1) and 2) does not exist:

- excerpt from criminal records or any other relevant register or if prior document may not be issued, equivalent document from authorized judicial or administrative government authority in the state of registered seat of participating bidder, or the state of person's citizenship, by which is clearly proven the non-existence of reason from article 12. A) (date of issue of such document can not be older more than 6 (six) months than the day of official start of procurement procedure)

In case in the state of registered seat of participating bidder or in the state of person's citizenship such documents from previous paragraph can not be issued or they do not contemplate all relevant circumstances, such documents may be substituted with the statement given under oath or if such statement does not exist in such state, by statement with the verification of signature issued by judicial or administrative authority, public notary, or commercial body in the state of registered seat of participating bidder or in the state of person's citizenship. (date of issue of such document can not be older than the day of official start of procurement procedure)

3) Based on the article 252. paragraph 1. of Act of procurement Contracting authority is obligated to exclude participating bidder from procurement process if he determines that bidder has not fulfilled it's obligations to pay mature tax, pension and health insurance obligations:

- in Republic of Croatia if the bidder has registered seat there, or

- in Republic of Croatia or in the other state of registered seat if bidder does not have registered seat in Republic of Croatia;

Contracting authority must accept as proof that the reasons for exclusion from 12. A. 3) do not exist:

- confirmation of tax administrative body or other authorised body in Republic of Croatia and in the state of registered seat of participating bidder if his registered seat is outside of Republic of Croatia, by which is clearly proven that such reasons do not exist; (date of issue of such document can not be older than the day of official start of procurement procedure)

In case in the state of Republic of Croatia and/or in the state of registered seat of participating bidder such documents from previous paragraph can not be issued or they do not contemplate all relevant circumstances, such documents may be substituted with the statement given under oath or if such statement does not exist in such state, by statement with the verification of signature

issued by judicial or administrative authority, public notary, or commercial body in the state of registered seat of participating bidder or in the state of person's citizenship (date of issue of such document can not be older than the day of official start of procurement procedure).

4) Contracting authority may decide to exclude from procurement process participating bidder if he determines existence of reasons as prescribed in article 254. of Act of procurement.

Exceptionally, Contracting authority may withdraw from exclusion of participating bidder from procurement process because of the existence of reasons from article 254. paragraph 1. subparagraph 2. of Act of procurement, if he determines, by it's own discretion and assessment, that the participating bidder is capable of fulfilling the contract of procurement, taking into account national rules and measures for business continuity.

Contracting authority must accept as proof that the reasons for exclusion from article 254. paragraph 1. subparagraph 2. of Act of procurement do not exist:

- excerpt from court's register or confirmation of commercial court or other competent body in the state of registered seat of participating bidder by which is clearly proven that such reasons do not exist; (that it is not in a bankruptcy, incapable for payments, overdue, in liquidation, in situation that his assets is being managed by court or bankruptcy manager, is not in a process of settlement with creditors, is not suspended his business, is not in any other similar situation that arises from similar process according to national regulation; (date of issue of such document can not be older than the day of official start of procurement procedure)

In case in the state of registered seat of participating bidder or in the state of person's citizenship such documents from previous paragraph can not be issued or they do not contemplate all relevant circumstances, such documents may be substituted with the statement given under oath or if such statement does not exist in such state, by statement with the verification of signature issued by judicial or administrative authority, public notary, or commercial body in the state of registered seat of participating bidder or in the state of person's citizenship (date of issue of such document can not be older than the day of official start of procurement procedure).

13. CRITERIA FOR SELECTION OF PARTICIPATING BIDDER (CONDITIONS OF ABILITY)

13.1. Based on the article 256. paragraph 1. subparagraph 1. of Act of procurement, in this particular process as one of criteria for selection of particular participating bidder it has been determined:

a) Ability to perform professional activity

Participating bidders are obligated to prove they fulfill all conditions of ability as prescribed in 13.1.

If any of prescribed criteria is not fulfilled such offer of particular bidder shall not be accepted.

13.1. a) Ability to perform professional activity

Participating bidders are obligated to prove their ability to perform professional activity with the proof of registration of the bidder in court's, craft's, professional's or other appropriate register in the state of it's bussines establishment.

Contracting authority will accept as a proof of registration from previous paragraph:

- excerpt from court's, craft's, professional's or other appropriate register in the state of it's bussines establishment - registered seat (date of issue of such document can not be older than the day of official start of procurement procedure)

14. PAYMENT METHOD

Contracting authority is obligated to pay the price as follows:

a) 95% (ninetyfivepercent) of the price including added value tax (where such applies) before delivery date,

b) 5 % (fivepercent) of the price including added value tax (where such applies) in 30 (thirty) days from the signature date of record of installation and commissioning of product, under condition that all lacks or any defeciences have been removed by a bidder and that the product is in full functionality;

Bidder is obligated to inform the Contracting authority on the date of delivery of product at least 5 (five) working days before delivery date in order to enable to the Contracting authority to organize the transport and to make a payment from article 14. a).

The price shall be paid by bank transfer to the Bidder's bank account.

15. INSTALLATION AND COMMISSION DEADLINE

Bidder is obligated to deliver the product until January 12th 2022.

Bidder is obligated to install and commission the product until January 31st 2022.

Contract parties are obligated to sign a formal record on delivery and record on installation and comissioning of product.

In such records parties shall determine the general condition of product, installation, and commission.

Any lack shall be recorded and bidder shall be obligated to remove such lack in determined deadline.

Performance of delivery, installation and commissioning must be done in compliance with the rules of profession.

Contracting authority has an obligation towards Innovation Norway, based on approved Implementation project plan, to completely execute project of purchasing, installation and commissioning of product until February 28th 2022.

Breach of obligation from previous paragraph towards Innovation Norway may result in right of Innovation Norway to refuse to co-finance the product or to request a financial refund for received financial means by Contracting authority, and for such damage, if damage was caused by the bidder, bidder shall be responsible for it's compensation to the Contracting authority.

16. CONTRACT PENALTY

In case of a bidder's delay to deliver a product within delivery date or delay of installation and commission of a product in installation and commissioning date according to article 15. of DOP and article 5. of contract, bidder shall be obligated to pay to the Contracting authority a contractual penalty for each day of delay in the amount of 2 ‰ (two per mille) plus added value tax (where such applies) of the price with added value tax (where such applies) from article 3. of contract.

Contracting authority is entitled to make a one-sided compensation of a claim for contractual penalty payment with a bidder's claim for payment of contract price.

Contracting authority is obligated to issue an invoice to the bidder for contractual penalty claim.

17. WARRANTY PERIOD

Bidder guarantees the corecctnes, functionality, and quality of the product in the warranty period. Contracting authority determines a warranty period of 1 (one) year as a minimal standard that must be satisfied. Precise conditions considering the warranty period are determined in the article 18. C) of DOP.

Period from previous paragraph starts from the day when installation and commissioning of the product was completely finished. Date in matter shall be determined in the record on performed installation and commissioning of product under condition that all lacks or any defeciences have been removed by a bidder and that the product is in full functionality.

18. INFORMATION ABOUT FORMAL OFFER

Formal offer must contain statement of the bidder by which he states that he will sell, deliver, install, and commission the goods according to the conditions and requests written in DOP and documents that constitute an integral part of DOP (attachements of DOP).

Offer must be made in PDF format.

Offer must be written in English or Croatian language and in Latin letter.

The price of the offer must be written in numbers and in Euro currency (EUR), and such price must be determined by the INCOTERMS clause FCA, bidder's processing plant - warehouse, version year 2020, plus the installment for full functionality and commissioning of the goods in the place of performance of procurement. Transport of goods is at a cost and responsibility of the Contracting authority. The price must be shown as a total price without added value tax, then the amount of added value tax and total sum of the price with added value tax. If the participating bidder is not in the system of added value tax or subject of procurement is exempt from added value tax bidder submits an offer in which writes total price without added value tax, amount of added value tax writes as zero, and total sum of price offer with added value tax writes the same amount as written in the total price without added value tax. Price written in the offer is unchangeable during the execution of the contract that shall be concluded with the selected bidder.

Offer must be made in compliance with the terms and conditions of DOP and bidders are not allowed to change or supplement the text of DOP.

Offer must be delivered by the electronical communications service.

Offer must be delivered to the e-mail address: marin.livak@kamen.hr

Contracting authority is entitled, by it's own discretionary assessment, to request from participating bidder whom's offer was selected as best offer, to deliver all or some documents of the offer in original or verified copy by post office delivery.

It shall be considered that the formal offer has been delivered to the above written e-mail address when such offer has been received on the receiving server of Contracting authority.

18.A) Offer must contain:

1. formal offer with the data about Contracting authority (name, address, identification number/OIB) and participating bidder (names, addresses, identification number/OIB for bidders from Croatia, phone and fax contacts, e-mail address, contact person, bank account

number, information is the bidder included in the system of added value tax), indication of the price, subject of procurement, offer expiry date,

2. fulfilled Cost schedule (Attachment No.1) with bidder's detailed technical scheme of the product and manufacturer's specifications documentation - catalogue, excerpt from catalogue or prospectus

3. signed formal Contract proposal (Attachment No. 2),

4. proofs that there are no reasons for exclusion from process of procurement and proofs on fulfillment of all criteria from DOP;

Within the deadline for offer submission (further: deadline) bidders are allowed to change the offer or to drop out from the offer. If the bidder changes his offer within the deadline it shall be considered that the offer has been submitted in the moment of submission of the latest version of the offer. After the deadline for submission of the offer, the offer cannot be changed. Offer obligates the participating bidder within expiry date of the offer that must be clearly written on the offer. On the formal request of the Contracting authority, participating bidders may extend the expiry date of the offer.

Participating bidders will be obligated by the offer submitted electronically within the deadline regardless if such offer is signed or not.

It is not allowed for participating bidders to submit different variations of the offer.

18.B) Offer expiry date must be at least 60 (sixty) days longer than expiry date for submission of the offer.

If during the procurement process expires the offer of the bidder that has submitted the economically most affordable offer, Contracting authority will request from participating bidder to extend the offer expiry date in the appropriate deadline not shorter than 5 (five) days.

All documentation on public procurement shall be uploaded on the website www.kamen.hr and potential bidders are allowed, in agreement with the Contracting authority to visit the place of performance.

18.C) CRITERIA FOR SELECTION OF THE OFFER

The main criterion for selection of the offer is the economically most affordable offer that fulfills all criteria from DOP.

Criteria for offer selection and their relative importance are determined as follows:

Table No.1.

CRITERIA	PERCENTAGE	SYMBOL	MAX POINTS
Offer price	85	P	85
Warranty period	15	W	15
Maximum points			100

Selection of the economically most affordable offer shall be made based on criteria from Table No.1. and in accordance with the formula:

$$T = P+W$$

Symbol „T” represents total result of one particular offer ranking.

Maximum points per one offer can not be higher than 100 (hundred) points.

Maximum points are calculated on 2 (two) decimal points.

Selection of the economically most affordable offer, based on prescribed criteria, shall be done as follows:

- after Contracting authority determines points for each particular criteria from Table No. 1 for each particular offer, it shall sum all points given for each criteria to calculate total sum of points for particular offer, that is for particular bidder. The economically most affordable offer is the offer that will acquire the biggest number of points based on all prescribed criteria;

If 2 (two) offers are ranked equally based on prescribed criteria, Contracting authority shall select the offer that was on prescribed way earlier delivered to the Contracting authority than other offers according to the offer delivery rules from DOP.

a-1) Description of offer criteria and points determination method:

Criteria for offer selection are:

a-1-1) Price criterion

a-1-2) Warranty period criterion

Points determination method:

a-1-1) Price criterion

Contracting authority as one of criteria determines price criterion. Maximum points that participating bidders may acquire based on this criterion is 85 (eightyfive) points. Points are calculated on 2 (two) decimal places.

Valid offer with the lowest price will acquire maximum points within this criterion, and every other offer acquires proportionately smaller number of points based on the following formula:

$$P = \frac{LP}{AP} \times 85$$

P - total points acquired based on the price of assessed offer

LP- lowest offer price

AP- price of the offer in assessment

85- maximum points based on price criterion

a-1-2) Warranty period

Contracting authority as one of criteria determines warranty period. Maximum points that participating bidders may acquire based on this criterion is 15 (fifteen) points.

Contracting authority determines a warranty period of 1 (one) year as a minimal standard that must be satisfied. If participating bidder offers longer warranty period than prescribed minimum, than Contracting authority shall rate such offer with additional points as follows:

Table No.2

WARRANTY PERIOD (in years)	POINTS
5 (FIVE)	15
3 (THREE)	10
2 (TWO)	5
1 (ONE)	0
MAXIMUM POINTS	15

As a proof for fulfillment of this criterion participating bidders deliver Statement on warranty period that is attachment of DOP. (Attachment No. 3)

Statement must be delivered as a PDF format.

If participating bidder does not deliver this statement or delivers a statement without the data on warranty period time, it will be considered that they offer and accept a minimal warranty period of 1 (one) year.

If participating bidder delivers a statement of warranty period offering warranty period longer than 5 (five) years, it shall be considered that it offers the warranty period of 5 (five) years as a maximum warranty period that is prescribed with DOP.

Statement on warranty period must be delivered with the offer only if the bidder decides to offer longer warranty period than minimal standard.

19. DATE, TIME AND PLACE OF PUBLIC OFFERS OPENING PROCEDURE

Official start of procurement procedure is on the day when the formal Invitation to tender was published.

Invitation to tender is published on the website of Contracting authority, www.kamen.hr, website of Norway Grants - Innovation Norway, <https://www.innovasjon Norge.no/CroatiaInnovation>, and in People's Newspapers of Republic of Croatia.

Formal deadline for offer submission expires on November 15th 2021 at 24:00 p.m.

Official opening of the offers shall be performed in the headquarters of Contracting authority, in Pazin, Trg Slobode 2, Republic of Croatia, conference room at 3rd floor, on the day November 16th 2021 at 12:00 a.m.

Offers shall be opened in the presence of Commission for procurement of Contracting authority and present authorized representatives of participating bidders. Other persons are also allowed to be present at the opening.

Commission for procurement represents a Contracting authority's official body that includes General Manager, Technical Manager and Head of Procurement department.

The right to active participation in public offers opening procedure is allowed only to members of Commission for procurement of Contracting authority and authorized representatives of participating bidders.

Written record on offers opening shall be given to authorized representatives of bidders present at the opening procedure.

At the end of the opening procedure authorized representatives of the bidders will be entitled to sign the record and declare whether they have some objections on procurement proceeding.

Contracting authority and all the participants of offers opening procedure are obligated to respect measures and requests formally declared by state, regional and local authorities in order to prevent spreading of disease COVID-19 that is caused by virus SARS-COV-2.

20. DECISION ON SELECTION OF THE BEST BIDDER

After formal offers opening Commission proceeds with the examination and evaluation of submitted offers and draws up a record on it.

Such procedure is secret until a decision on selection of the best bidder is made.

During the procedure on examination and evaluation of submitted offers Contracting authority examines:

- a) non-presence of legal basis for exclusion of participating bidder,
- b) fulfillment of prescribed criteria for selection of the bidder,
- c) fulfillment of prescribed requirements and conditions linked with the subject of the procurement and technical specifications and fulfillment of other criteria, requirements and conditions from DOP,
- d) calculation correctness of submitted offer;

If the informations or documentations submitted are wrong or incomplete, or they seem like it, or if some documents are missing, Contracting authority may request from participating bidders to complete, clarify or deliver necessary informations or documents in deadline not shorter than 5 (five) days.

Contracting authority is obligated to reject the offer that is incorrect, inappropriate or unacceptable.

Inccorect offer is every offer that is not in compliance with DOP, or is delivered after expiration of the deadline for offer submission, or there are proofs of existing a secret agreement or corruption, or it is not a result of market competition, or the Contracting authority has determined that the price is too low, or it is an offer from the bidder that has not accepted correction of calculation mistake in the offer (if the offer contains calculation mistake, Contracting authority is obligated to request of the bidder to accept the correction of calculation mistake written in the offer and for such request leave to the bidder deadline for decision of 5 (five) days of receiving such request).

Unacceptable offer is every offer which price exceeds planed (estimated), that is ensured financial means of Contracting authority or offer that does not fulfill criteria for selection of the bidder.

Inappropriate offer is every offer that is not relevant for contract of procurement because without significant changes can not satisfy needs and request of Contracting authority as prescribed in DOP.

After the procedure of examination and evaluation of the offers, Contracting authority ranks valid offers according to criteria for selection of the offer.

Based on the examination and evaluation procedure and criteria for selection of the offer, Contracting authority selects the offer of the bidder that has submitted the economically most affordable offer.

Decision on selection of the best bidder must be made within 30 (thirty) days from offer submission expiry date.

Decision shall be considered to be delivered to all participating bidders at the expiration of the day that follows the day of public announcement of decision on the website of Contracting authority, that is www.kamen.hr.

21. RIGHT TO APPEAL

Participating bidders are entitled to have an insight into the procurement documentation for 3 (three) days after notification on decision on selection of the best bidder.

Appeal may be submitted to a Fund Operator electronically (using the following email address: cro.innovation@innovationnorway.no), within 5 (five) days from the day of bidders being notified on decision of selection of best bidder. Appeal must be written in English, appropriately argued and supported by evidence, as appropriate. At the same time, copy of appeal must be sent to the Contracting authority, who must send the entire package of procurement documents to Fund Operator immediately, and may provide its counter-arguments to Fund Operator within 5 (five) days from receipt of copy of appeal.

Based on the analysis of procurement documentation, and arguments of both parties, Fund Operator makes the decision within 10 (ten) days from which the appeal has been submitted.

The Fund Operator's decision on the appeal is final.

In case no appeal has been received within 5 (five) days from the date of notifying the bidders on the results of public procurement procedure, Contracting authority shall conclude contract of procurement with selected bidder.

22. CONCLUSION OF THE CONTRACT

When the participating bidders sign the formal Contract proposal as integral part of the formal offer (Attachement No. 2), they accept all requests and

conditions from DOP and Contract proposal. Formal Contract proposal must be signed by authorized person.

Contract must be concluded in compliance with the conditions prescribed by DOP and selected offer.

All the rights and obligations of parties of contract of procurement are regulated in that contract and in this DOP.

Notice:

- All documents that are official attachment of DOP for the purpose of downloading and fullfilling are published in appropriate electronical format on the website www.kamen.hr

October 2021.

Supported by a grant from Norway through the Norwegian Financial Mechanism 2014-2021, in the frame of the Programme „Business Development and Innovation Croatia”.